

**REGISTER OF ACTIONS****CASE No. 2021-1379-CCL2****CITY OF GLADEWATER VS UNION PACIFIC RALROAD COMPANY**§  
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§  
§  
§  
§Case Type: **Condemnation**  
Date Filed: **08/10/2021**  
Location: **County Court at Law 2**  
Judicial Officer: **Dulweber, Vincent, DC****PARTY INFORMATION****Defendant**      **UNION PACIFIC RAILROAD COMPANY****Lead Attorneys****Plaintiff**      **City of Gladewater****RONALD D. STUTES**  
*Retained*  
903-597-8311(W)**EVENTS & ORDERS OF THE COURT**

<b>OTHER EVENTS AND HEARINGS</b>			
08/10/2021	<b>Petition (OCA)</b>		
08/10/2021	<b>Docket Sheet</b>		
08/10/2021	<b>Citation By Certified Mail</b>		
	Union Pacific Railroad Company	Served	08/13/2021
		Response Due	09/06/2021
		Returned	08/16/2021
08/16/2021	<b>Citation Return Certified Mail</b>		

**FINANCIAL INFORMATION**

	<b>Plaintiff</b> City of Gladewater		
	Total Financial Assessment		350.00
	Total Payments and Credits		350.00
	<b>Balance Due as of 09/09/2021</b>		<b>0.00</b>
08/10/2021	Transaction Assessment		350.00
08/10/2021	e-Filing      Receipt # 004232-2021-DC      City of Gladewater		(350.00)

T H E   S T A T E   O F   T E X A S

TO:    UNION PACIFIC RAILROAD COMPANY  
      CT CORPORATION SYSTEM  
      350 N ST PAUL STREET  
      DALLAS TX 75201

Defendant in the hereinafter styled and numbered cause: **2021-1379-CCL2**

You are hereby commanded to appear before the County Court at Law 2 of Gregg County, Texas, to be held at the courthouse of said County in the City of Longview, Gregg County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this Citation, in Cause Number: **2021-1379-CCL2**, styled

Condemnation

CITY OF GLADEWATER VS UNION PACIFIC  
      RALROAD COMPANY

Attorney for Plaintiff:  
RONALD D. STUTES  
110 N COLLEGE STE 500  
TYLER TX 75702  
903-597-8311

Attorney for Defendant

Filed in said court 10th day of August, 2021.

Issued and given under my hand and seal of said Court at office, this the 10th day of August, 2021.

**Trey Hattaway**  
District Clerk of  
Gregg County, Texas  
Gregg County Courthouse  
P. O. Box 711  
Longview, Texas 75606

Signed: 8/10/2021 3:19:53 PM

By Debbie Kinney Deputy.



**NOTICE TO DEFENDANT**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default Judgment may be taken against you. In addition to filing a written answer with the clerk you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

**Officer's Return by Mailing**

Civil Action No. 6:21-cv-00357

Came to hand on the on this the 10th day of August, 2021, and executed by mailing certified mail restricted delivery a true copy of the citation together with a copy of Plaintiff's petition at the following address:

Name & Address of Defendant

UNION PACIFIC RAILROAD COMPANY  
CT CORPORATION SYSTEM  
2350 N ST PAUL STREET  
DALLAS TX 75201

\*\*\*\*\*

<p>* Attach</p> <p>* Return Receipt(s)</p> <p>* With</p> <p>* Addressee's Signature</p> <p>_____</p>	<p>* Date Signed: _____</p> <p>* Signed by: _____</p> <p>* as evidenced by the signed return receipt</p> <p>* attached hereto and incorporated in</p> <p>* the return</p> <p>* _____ Not executed as to defendant</p> <p>* <del>for the following reason:</del></p> <p>* <u>Circle one</u></p> <p>* Unclaimed</p> <p>* Refused</p> <p>* Return to Sender</p> <p>* Moved, left no forwarding address</p> <p>* Unable to Forward</p> <p>* Other</p> <p>* <b>TO CERTIFY WHICH WITNESS MY HAND</b></p> <p>* <b>OFFICIALLY.</b></p> <p>* Trey Hattaway, District Clerk</p> <p>* By _____ Deputy</p> <p>***** Fee for serving Citation \$60.00</p>
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**C I T A T I O N - B Y M A I L I N G**

File No. 2021-1379-CCL2  
In the County Court at Law 2  
Of  
Gregg County, Texas

CITY OF GLADEWATER VS UNION PACIFIC  
RAILROAD COMPANY

Issued this 10th day of August, 2021.

**Trey Hattaway**  
District Clerk of  
Gregg County

Signed: 8/10/2021 3:19:56 PM

By Debbie Kinney Deputy

Returned and Filed

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Trey Hattaway**  
District Clerk

By \_\_\_\_\_ Deputy

NO. 2021-1379-CCL2

CITY OF GLADEWATER,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	COUNTY COURT at LAW 2
	§	
V.	§	<del>_____ JUDICIAL DISTRICT</del>
	§	
UNION PACIFIC RAILROAD COMPANY,	§	
<i>Defendant.</i>	§	GREGG COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION FOR CONDEMNATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the City of Gladewater, Plaintiff ("Gladewater"), and files this its Original Petition for Condemnation against Defendant Union Pacific Railroad Company ("Defendant"), and would show the Court as follows:

**I.****DISCOVERY CONTROL PLAN**

1. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure, if this administrative condemnation proceeding becomes a civil cause of action.

**II.****PLAINTIFF**

2. Plaintiff City of Gladewater is a Texas home-rule municipality.

3. Gladewater has the power, pursuant to Section 251.001 of the Texas Local Government Code and Article II, Section 8, of the Charter of the City of Gladewater, to exercise the power of eminent domain.

**III.**

**LAND TO BE CONDEMNED AND USE OF LAND**

4. Gladewater has determined that it is in the public interest to acquire nine tracts of property within the City that it currently leases from Defendant. The tracts are intended be used as they are under the current lease: as a public park, for parking, and for restroom facilities.

5. The tracts are described in the attached Appendix A.

**IV.**

**OWNER OF LAND**

6. There is one owner of the Land in the Real Property Records of Gregg County, Texas.

7. The name of the owner is the Union Pacific Railroad Company. The Union Pacific Railroad may be served by serving its resident agent for service of process: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

**V.**

**LIENHOLDERS ON LAND**

8. After diligent review of the Real Property Records of Gregg County, Texas, Gladewater did not find any lienholders on the land.

9. Gladewater reserves the right to amend the Petition in order to add any lienholders that are discovered after filing of the petition.

**VI.**

**UNABLE TO AGREE**

10. On October 27, 2020, the City of Gladewater made a bona fide offer to acquire the property involved herein. The Defendant rejected the City's offer. On July 23, 2021, Gladewater

made a final offer to acquire the property involved herein. The Defendant rejected that offer. Gladewater and the Defendant are unable to agree on the proper compensation for the property to be taken. Therefore, it became necessary to file this condemnation proceeding.

11. Gladewater has provided the Defendant with a copy of the Texas Landowner's Bill of Rights as required by Chapter 402 of the Texas Government Code and Chapter 21 of the Texas Property Code.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Gladewater requests that three disinterested freeholders of Gregg County, Texas, be appointed as special commissioners, to assess damages and file their decision as provided by law to the end that Gladewater may have a final judgment or decree of condemnation vesting in the City of Gladewater fee title to the above-described land, a writ of possession, costs of suit, and such other and further relief to which it may be justly entitled.

Respectfully submitted,

Ronald D. Stutes

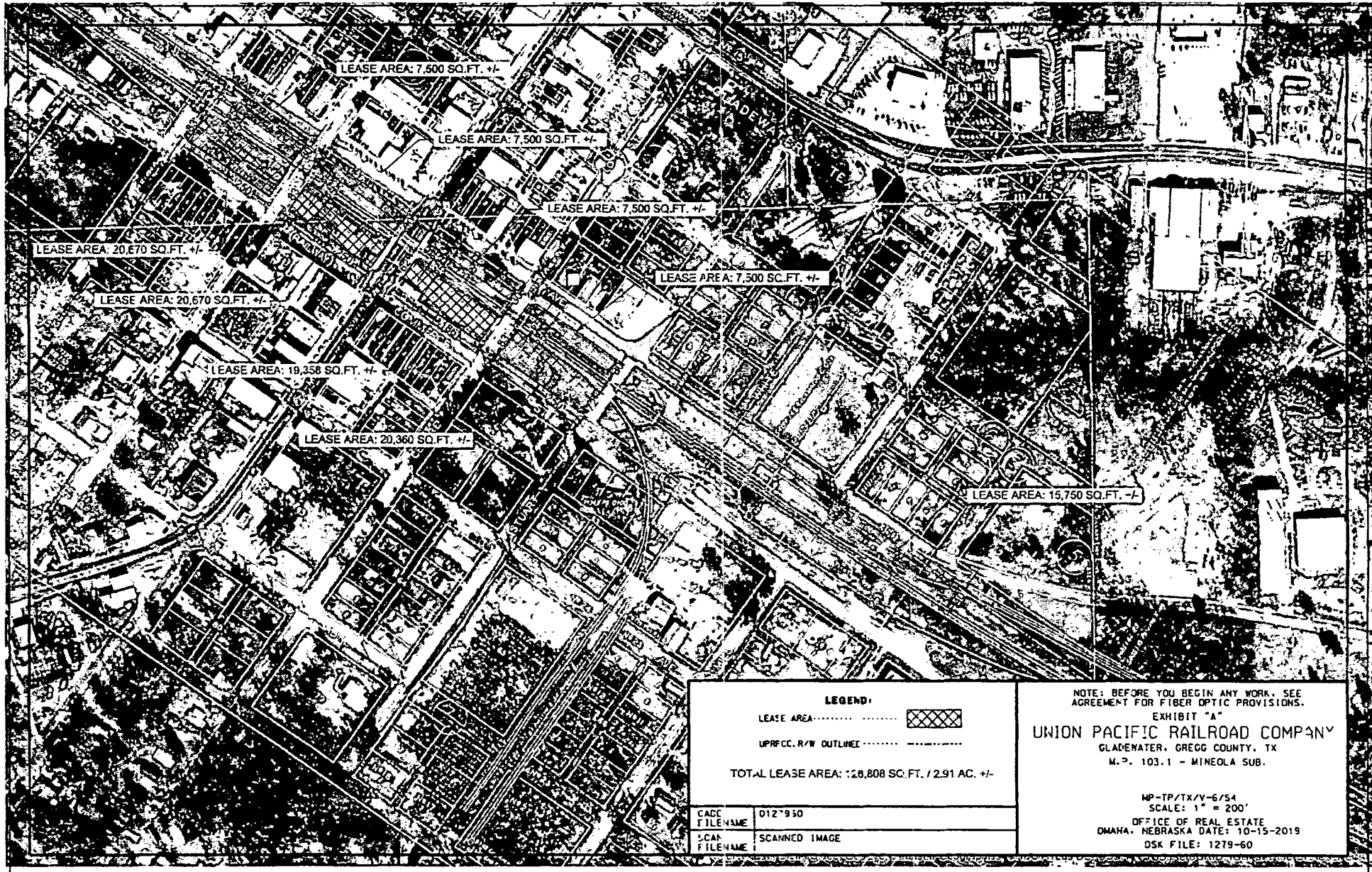
Ronald D. Stutes  
State Bar Number 19452600  
rstutes@wilsonlawfirm.com

Wilson, Robertson & Cornelius, PC  
909 ESE Loop 323, Suite 400  
Tyler, Texas 75701  
903-509-5000  
Fax 903-509-5094

Attorneys for Plaintiff City of Gladewater

# APPENDIX A







\*\*\* CITATION BY MAIL \*\*\*

Civil Action No. 6:21-cv-00357

THE STATE OF TEXAS

FILED  
GREGG COUNTY, TEXAS

TO: UNION PACIFIC RAILROAD COMPANY  
 CT CORPORATION SYSTEM  
 350 N ST PAUL STREET  
 DALLAS TX 75201

AUG 16 2021

3:36 O'CLOCK P M  
 TREY HATTAWAY, DISTRICT CLERK  
 B. *Prave* DEPUTY

Defendant in the hereinafter styled and numbered cause: **2021-1379-CCL2**

You are hereby commanded to appear before the County Court at Law 2 of Gregg County, Texas, to be held at the courthouse of said County in the City of Longview, Gregg County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this Citation, in Cause Number: **2021-1379-CCL2**, styled

Condemnation

CITY OF GLADEWATER VS UNION PACIFIC  
 RAILROAD COMPANY

Attorney for Plaintiff:  
 RONALD D. STUTES  
 110 N COLLEGE STE 500  
 TYLER TX 75702  
 903-597-8311

Attorney for Defendant

Filed in said court 10th day of August, 2021.

Issued and given under my hand and seal of said Court at office, this the 10th day of August, 2021.

**Trey Hattaway**  
 District Clerk of  
 Gregg County, Texas  
 Gregg County Courthouse  
 P. O. Box 711  
 Longview, Texas 75606

Signed: 8/10/2021 3:19:53 PM



By Debbie Kinney Deputy.

#### NOTICE TO DEFENDANT

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default Judgment may be taken against you. In addition to filing a written answer with the clerk you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

**Officer's Return by Mailing**

Came to hand on the on this the 10th day of August, 2021, and executed by mailing certified mail restricted delivery a true copy of the citation together with a copy of Plaintiff's petition at the following address:

Name & Address of Defendant

UNION PACIFIC RAILROAD COMPANY  
CT CORPORATION SYSTEM  
350 N ST PAUL STREET  
DALLAS TX 75201

\*\*\*\*\*

\* Attach  
\* Return Receipt(s)  
\* With

\* Addressee's Signature

\* Date Signed: 8.13.21  
\* Signed by: Chris Wells  
\* as evidenced by the signed return receipt  
\* attached hereto and incorporated in  
\* the return  
\*        Not executed as to defendant  
\* for the following reason:  
\* **Circle one**  
\* Unclaimed  
\* Refused  
\* Return to Sender  
\* Moved, left no forwarding address  
\* Unable to Forward  
\* Other

\* **TO CERTIFY WHICH WITNESS MY HAND  
\* OFFICIALLY.**

\* Trey Hattaway, District Clerk  
\* By \_\_\_\_\_ Deputy

\*\*\*\*\* Fee for serving Citation \$60.00

**C I T A T I O N - B Y M A I L I N G**

File No. 2021-1379-CCL2  
In the County Court at Law 2  
Of  
Gregg County, Texas

CITY OF GLADEWATER VS UNION PACIFIC  
RAILROAD COMPANY

Issued this 10th day of August, 2021.

**Trey Hattaway**  
District Clerk of  
Gregg County

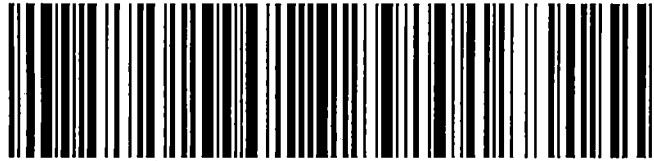
Signed: 8/10/2021 3:19:56 PM

By Debbie Kinney Deputy

Returned and Filed  
This 16th day of August, 2021  
**Trey Hattaway**  
District Clerk

By Janet Craver Deputy

GREGG COUNTY DISTRICT CLERK  
101 E Methvin  
Suite 334  
Longview Texas 75601



Civil Action No. 6:21-cv-00357

9214 8901 9403 8346 6966 17

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UNION PACIFIC RAILROAD COMPANY  
CT CORPORATION SYSTEM  
350 N SAINT PAUL ST  
DALLAS TX 75201-4240

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Here

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Return Reference Number:2021-1379-CCL2

Created Date:11/08/2021



Mailer: Gregg County

Date Produced: 08/16/2021

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8346 6966 17. Our records indicate that this item was delivered on 08/13/2021 at 09:06 a.m. in DALLAS, TX 75201. The scanned image of the recipient information is provided below.

Signature of Recipient :

very  
red  
the  
X  
Chris Wells

Address of Recipient :

very  
red  
C.T. Corp.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

UNION PACIFIC RAILROAD COMPANY  
CT CORPORATION SYSTEM  
350 N SAINT PAUL ST  
DALLAS TX 75201-4240

Customer Reference Number: C2866722.16476027

Return Reference Number 2021-1379-CCL2